



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
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FAIR EMPLOYMENT AND HOUSING COUNCIL
Meeting/Hearing Minutes

Meeting of April 7, 2014

University of California, Irvine, School of Law
401 East Peltason Drive, EDU 1121
Irvine, CA 92697

Councilmembers Present

Chaya Mandelbaum, Chairperson
Dale Brodsky, Councilmember
Patricia Perez, Councilmember
Andrew Schneiderman, Councilmember
Phyllis Cheng, DFEH Director and Ex Officio Member (afternoon)

DFEH Staff Present

Annamarie Billotti, DFEH Chief of Dispute Resolution, Legislative and Regulatory Affairs
Brian Sperber, DFEH Legislative and Regulatory Counsel
Mallory Sepler-King, DFEH Civil Rights Fellow
Francisco Balderrama, DFEH Civil Rights Fellow
Jacob Barak, DFEH Civil Rights Fellow
Meg Tanaka, DFEH Civil Rights Fellow

Others Present

Heather Capps, Benefits & Disability Programs Officer, Orange County Superior Court
Pouya Chami, Attorney at Chami Law, California Employment Lawyers Association
Erwin Chemerinsky, Dean, University of California, Irvine, School of Law
Barbara Diallo, Associate, Reed Smith
Tony Diaz, Liaison, California Teachers Association
Heather Greenspan, Legal Assistant, Sheppard Mullin
Cacilia Kim, Senior Staff Attorney, California Women's Law Center
Daryl Landy, Partner, Morgan Lewis
Patty Mustiau, Human Resources, Orange County Head Start
Armida Perez, Human Resources Administrator, Orange County Head Start
Colleen Regan, Partner, Seyfarth Shaw
Leonard H. Sansanowicz, Associate, Lavi & Ebrahimian, California Employment Lawyers Association

Ofelia Trujillo, Human Resources Manager, Orange County Head Start
Steve White, Owner and Founder, EEO Has Solution, and retired DFEH District Administrator

I. Welcome, Opening Remarks, and Introduction of Council and Guests

Chair Mandelbaum called the meeting to order. Mallory Sepler-King took roll. Chair Mandelbaum encouraged audience members to visit the Council Web site at <http://www.dfeh.ca.gov/FEHCouncil.htm> and reminded those participating remotely of their opportunity to submit questions or comments via e-mail at FEHCouncil@dfeh.ca.gov.

II. Review of the Agenda

Chair Mandelbaum reviewed the [agenda](#).

III. Approval of the Minutes

Chair Mandelbaum called for a vote to approve the [minutes of the February 6, 2014 meeting](#). The Council moved, seconded, and unanimously passed a motion to approve the minutes.

IV. Councilmembers' Reports

Chair Mandelbaum reported that the Senate Rules Committee voted unanimously to confirm all Councilmembers on April 2, 2014.

Councilmember Schneiderman reported that he and Director Phyllis Cheng made a panel presentation on "Proposed Concepts for FEHA Housing Regulations" at the 6th Annual Symposium of the State Bar, Real Property Law Section, Fair Housing and Public Accommodations Subsection, held April 4, 2014 at the University of California, Irvine, School of Law.

A. Department of Fair Employment and Housing Reports: Legislative Update

Annamarie Billotti reported on bills that affect the Department and Council's work.

V. Public Hearing: Adopted Proposed Amendments to the California Family Rights Act (CFRA) Regulations

A. Introduction

Chair Mandelbaum and Councilmember Brodsky reviewed the [Adopted Proposed Amendments to the CFRA Regulations](#).

B. Public Comment

The Council heard public comment from the following persons: Leonard Sansanowicz, Cacilia Kim, Steve White, and Pouya Chami.

LUNCH BREAK

The Council recessed for lunch at 11:25 a.m. and reconvened at 1 p.m.

VI. Department of Fair Employment and Housing Report: DFEH Update

Director Cheng summarized the current activities of the Department, including: adding new Civil Rights Clinics at Ventura College in fall 2014 and at Southwestern Law School in spring 2015; recent legal victories; and an expected consent decree in a class action against the Law School Admission Council.

VII. Report of the Housing Regulations Subcommittee

Councilmember Schneiderman gave an update on the progress in developing FEHA Housing Regulations.

VIII. Discussion of Council Involvement in Efforts to Broaden Public Awareness of Rights and Responsibilities.

Councilmember Perez presented proposed Council efforts to broaden public awareness through DFEH brochures and other material. Chair Mandelbaum and Councilmember Perez volunteered to form a subcommittee on this matter.

IX. Guest Speaker

Erwin Chemerinsky, Founding Dean of University of California, Irvine, School of Law, spoke on the trend in the Supreme Court of holdings that create barriers to suits against government officials.

X. Continued Public Hearing: Adopted Proposed Amendments to the CFRA Regulations

The Council heard public comment from Armida Perez.

Director Cheng stated that anyone who wants to comment at a later date, but before the June 7, 2014, 5:00 pm deadline, may e-mail the Council at FEHCouncil@dfeh.ca.gov.

XI. Proposed Amendments to the Fair Employment and Housing Act (FEHA) Regulations

Councilmembers Perez and Brodsky presented the [Draft Proposed Amendments to the FEHA Regulations](#).

Chair Mandelbaum commented on the need for clarity on the sexual harassment certification regulation and its implications. Councilmember Schneiderman noted an inconsistency in language, and also raised questions about the definitions used for gender identity and gender expression in the regulations. The Council encouraged public comment on these and other matters.

No public comment was received on this item.

The Council moved, seconded, and unanimously passed a motion to adopt the Draft Proposed Amendments to the FEHA Regulations. Staff will prepare a rulemaking package for approval by the Business, Consumer Services & Housing Agency as well as the Office of Administrative Law for notice, hearing and public comment.

XII. Future Council Meeting Schedule

Chair Mandelbaum announced that the Council's next meeting will be on June 2, 2014 at the California Public Utilities Commission in San Francisco.

XIII. Adjournment

There being no further business or public comment, Chair Mandelbaum adjourned the meeting at 1:53 p.m.

Date: April 15, 2014

CHAYA MANDELBAUM

Chair

JOSEPHINE BLUE

Legal Secretary